



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,936	05/03/2001	David G. De Vorchik	MS1-0721US	8486
22801	7590	09/30/2009	EXAMINER	
LEE & HAYES, PLLC			PESIN, BORIS M	
601 W. RIVERSIDE AVENUE				
SUITE 1400			ART UNIT	PAPER NUMBER
SPOKANE, WA 99201			2174	
			NOTIFICATION DATE	DELIVERY MODE
			09/30/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary	Application No.	Applicant(s)	
	09/848,936	DE VORCHIK ET AL.	
	Examiner	Art Unit	
	BORIS PESIN	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 6/08/2009.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9, 11, 12, 14-17 and 19-50 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-9, 11, 12, 14-17 and 19-50 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

This communication is responsive to the amendment filed 06/08/2009.

Claims 1-9, 11-12, 14-17 and 19-50 are pending in this application. Claims 1, 12, 17, 27, 35, 41, and 46 are independent claims. In the amendment filed 12/08/2008, claims 1, 12, 14, 17, 27, 35, 41, and 46 were amended. This action is made Final.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9, 11-12, 14-17 and 19-50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no support in the specification, as filed, for "designating at least one of the resources to be written to the writable resource area through non-graphical means by the application program, wherein the designating is transparent to the application program." The Applicant submits paragraphs 48-50 of the specification as purportedly teaching the additional claimed elements. The Examiner disagrees. Paragraph 50 teaches, "An action 202 comprises staging any designated resources. This action involves noting the designated resources and in some cases copying them to a designated staging area in computer memory. In the case that the resources have been

designated through non-graphical means such by application programs, this step (and subsequent steps) might be performed transparently to such application programs.” (emphasis added). The “this” in paragraph 50 appears to refer to staging process and not the designating process as claimed. If “this” was modifying the designating, it is then unclear how an application program can designate something and perform the designation transparent to the Application program. In other words, if the application program is designating something, it is inconceivable that it does the designation transparently because the Application program would have to recognize the designation.

Since the added limitations are not supported by the specification, the Examiner will not apply an art rejection to the added limitations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 12, 15, 16, 17, 19, 20, 21, 22, 23, 25, 27, 29, 30, 31, 33, 41, 43, 45 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) in view of Beard et al. (US 5113517) further in view of Belfiore et al. (US 5886699).

In regards to claim 12, Nero teaches dynamically accepting designations from a computer user of the plurality of computer resources to be written to a removable storage medium (Figure 1, Element 3).

Nero does not teach managing a plurality of computer resources by an application program running under supervision of an operating system. Beard teaches managing a plurality of computer resources by an application program running under supervision of an operating system (Figure 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero with the teachings of Beard and include an operating system to manage a computer with the motivation to provide the user with more flexibility in what the user can do.

Nero and Beard do not teach a graphical user interface which in response to the user clicking on an icon, presents a menu where the user is able to select a staging area not currently visible to the user. Belfiore teaches, a graphical user interface which in response to the user clicking on an icon, presents a menu where the user is able to select a staging area not currently visible to the user (See Figure 2C, Element 220). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero and Beard with the teachings of Belfiore and include a menu which shows

possible staging areas with the motivation to provide the user a simple and efficient method of sending data to the appropriate destinations.

In regards to claim 15, Nero further teaches that upon writing the identified resources, writing additional resources not specifically designated by the user for use in conjunction with the identified resources after they are written (Figure 7, Element 1, if the user chooses to make a bootable CD, Nero will automatically add the necessary files so that the PC can boot off the CD).

In regards to claim 16, Nero further teaches that automatically identifying a viewer program that is compatible with one or more of the identified resources; writing the viewer program to the storage medium for use in conjunction with the identified resources after they are written (Figure 7, Element 1, Nero burns the appropriate software so the files can be loaded up and viewed through the command prompt).

In regards to claim 17, Nero teaches an operating system having a resource browser that is responsive to user input to explore resource areas containing different types of resources and to display icons that represent the resources (See Figure 1, Element 1), at least some of the resources being physically moveable to and from the resource areas by moving their corresponding icons (See Figure 1, Element 2 is moved to Element 3); at least one of the resource areas being a staged-write resource area (See Figure 1, Element 3).

Nero does not teach an operating system that interacts with a user to manage computer resources. Beard teaches an operating system that interacts with a user to manage a computer system (Figure 4). It would have been obvious to one of ordinary

skill in the art at the time of the invention to modify Nero with the teachings of Beard and include an operating system to manage a computer with the motivation to provide the user with more flexibility in what the user can do.

Nero and Beard do not teach a graphical user interface which in response to the user clicking on an icon, presents a menu where the user is able to select a staging area not currently visible to the user. Belfiore teaches, a graphical user interface which in response to the user clicking on an icon, presents a menu where the user is able to select a staging area not currently visible to the user (See Figure 2C, Element 220). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero and Beard with the teachings of Belfiore and include a menu which shows possible staging areas with the motivation to provide the user a simple and efficient method of sending data to the appropriate destinations.

In regards to claim 19, Nero-Beard-Belfiore teach all the limitations of claim 17. Nero further teaches that upon writing the staged resources, writing additional resources to said writable resource that are not specifically designated by the user for use in conjunction with the identified resources after they are written (Figure 7, Element 1, if the user chooses to make a bootable CD, Nero will automatically add the necessary files so that the PC can boot off the CD).

In regards to claim 20, Nero-Beard-Belfiore teach all the limitations of claim 17. Nero further teaches that automatically identifying a viewer program that is compatible with one or more of the identified resources; writing the viewer program to the storage medium for use in conjunction with the identified resources after they are written (Figure

7, Element 1, Nero burns the appropriate software so the files can be loaded up and viewed through the command prompt on boot-up).

In regards to claim 21, Nero teaches that the resource browser further alters the icons to indicate status of the staged resources. (See Figure 8, Element 1, the data that is going to be recorded is in capital letters)

In regards to claim 22, Nero further teaches that some of the icons have status overlays to indicate staged status and an in-process status (See Figure 9, Element 1, the overlay tells the status on the writing process).

In regards to claim 23, Nero teaches a graphical user interface further comprising a contextually sensitive command area, wherein the resource browser includes a delete resource command in the contextually sensitive command area if and only if the particular type of writable resource is rewritable. (See Figure 10, Element 1).

In regards to claim 25, Nero teaches a graphical user interface wherein: prior to interacting with the user, the operating system pre-allocates a contiguous portion of mass storage for future use when writing identified resources to the writable resource area, wherein the pre-allocated portion is large enough to create a data image that is to be created on the writable resource area (See Figure 4, Element 1, the user can create an image of the file set, also see Figure 6, there is a cache that is set by default); prior to writing said staged resources to the writable resource, creating a data image in the pre-allocated portion of mass storage (See Figure 5, Element 1, the user can record the image on the storage medium).

In regards to claim 27, Nero teaches a graphical user interface for a computer, comprising: an operating system having a resource browser that is responsive to user input to explore resource areas containing different types of resources and to display icons that represent the resources (See Figure 1, Element 1), at least some of the resources being physically moveable to and from the resource areas by moving their corresponding icons (See Figure 1, Element 2 is moved to Element 3); at least one of the resource areas being a staged-write resource area (See Figure 1, Element 3); the resource browser being configured to display icons of stored resources that are already stored in the staged-write resource area and icons of staged resources that the user desires to be written to the staged-write resource area but that have not yet been written to said staged-write resource area; wherein the resource browser shows different representations of the resources depending upon whether they are stored resources or staged resources (See Figure 11, “This window displays all information concerning the track you have selected. Depending on the refresh options selected in the multisession property sheet, you will see some folders and files shown in black or in grey. Folders and files shown in black designate that they have been changed or recorded on your hard disk since your last session. They will be recorded on your CD now. Folders and files shown in grey designate that they are already on your CD. They have been recorded during your last session and have not been changed. They are not going to be physically rewritten.”); the resource browser being responsive to a user action to initiate a batch write of the staged resources to the staged-write resource area (See Figure 3, Element 1, the user can press the record button). Nero does not teach an operating

system that interacts with a user to manage computer resources. Beard teaches an operating system that interacts with a user to manage a computer system (Figure 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero with the teachings of Beard and include an operating system to manage a computer with the motivation to provide the user with more flexibility in what the user can do.

Nero and Beard do not teach a graphical user interface which in response to the user clicking on an icon, presents a menu where the user is able to select a staging area not currently visible to the user. Belfiore teaches, a graphical user interface which in response to the user clicking on an icon, presents a menu where the user is able to select a staging area not currently visible to the user (See Figure 2C, Element 220). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero and Beard with the teachings of Belfiore and include a menu which shows possible staging areas with the motivation to provide the user a simple and efficient method of sending data to the appropriate destinations.

In regards to claim 29, Nero teaches a graphical user interface wherein: the resource browser is further configured, upon writing the staged resources, to write additional resources not specifically designated by the user for use in conjunction with the staged resources after they are written. (Figure 7, Element 1, if the user chooses to make a bootable CD, Nero will automatically add the necessary files so that the PC can boot of the CD).

In regards to claim 30, Nero teaches a graphical user interface further comprising, upon writing the staged resources: automatically identifying a viewer program that is compatible with one or more of the staged resources; writing the viewer program to the storage medium for use in conjunction with the staged resources after they are written. (Figure 7, Element 1, Nero burns the appropriate software so the files can be loaded up and viewed through the command prompt on boot-up).

In regards to claim 31, Nero teaches a graphical user interface further comprising a contextually sensitive command menu, the menu including a delete resource command if and only if the particular type of staged-write resource area is rewritable. (See Figure 10, Element 1).

In regards to claim 33, Nero teaches pre-allocating a contiguous portion of mass storage for future use, wherein the pre-allocated portion is large enough to create a data image that is to be created on the staged-write resource area (See Figure 4, Element 1, the user can create an image of the file set, also see Figure 6, there is a cache that is set by default); prior to writing the staged resources to the staged-write resource area, creating a data image in the pre-allocated portion of mass storage (See Figure 5, Element 1, the user can record the image on the storage medium).

In regards to claim 41, Nero teaches a system embodied on one or more computer readable media, the system performing actions comprising: in response to a user initiation, writing any staged resources to the storage medium (See Figure 3, Element 1). Nero does not teach saving resources managed by the operating system in response to requests from application programs. Beard teaches an operating system

that interacts with a user to manage a computer system that includes saving resources (Figure 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero with the teachings of Beard and include an operating system to manage a computer with the motivation to provide the user with more flexibility in what the user can do.

Nero and Beard do not teach a graphical user interface which in response to the user clicking on an icon, presents a menu where the user is able to select a staging area not currently visible to the user. Belfiore teaches, a graphical user interface which in response to the user clicking on an icon, presents a menu where the user is able to select a staging area not currently visible to the user (See Figure 2C, Element 220). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero and Beard with the teachings of Belfiore and include a menu which shows possible staging areas with the motivation to provide the user a simple and efficient method of sending data to the appropriate destinations.

In regards to claim 43, Nero teaches an operating system wherein the actions further comprise, upon writing the staged resources, writing additional resources not specifically designated by a user, for use in conjunction with the staged resources after they are written written (Figure 7, Element 1, if the user chooses to make a bootable CD, Nero will automatically add the necessary files so that the PC can boot of the CD).

In regards to claim 45, Nero further teaches an operating system, further comprising: prior to receiving requests from application programs, pre-allocating a contiguous portion of mass storage for use when writing staged resources to the

storage media, wherein the pre-allocated portion is large enough to create an image of data to be written to the storage medium (See Figure 4, Element 1, the user can create an image of the file set, also see Figure 6, there is a cache that is set by default); prior to writing the staged resources to the storage media, creating a write image in the pre-allocated portion of mass storage (See Figure 4, Element 1); wherein writing the staged resources comprises writing the write image to the storage medium (See Figure 5, Element 1, the user can record the image on the storage medium).

In regards to claim 50, Nero further teaches in response to receiving a request from an application program to save a resource on a staged-write storage medium, noting that resource as being staged without writing the resource (See Figure 1, Element 3);

Claims 1, 2, 3, 4, 5, 6, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software), in view of Belfiore et al. (US 5886699).

In regards to claim 1, Nero teaches one or more computer readable media containing one or more operating system programs that comprise a resource browser, said one or more programs comprising: interacting with a user and an application program running under supervision of an operating system to manage computer resources (see Figure 1, the user is able to manage the computer resources through the “file browser”); said interacting including graphically browsing different computer resource areas that contain the resources managed by the operating system (See figure 1, Element 1); representing resources within the resource areas as icons, the resources

being physically moveable to and from at least some of the resource areas by moving the icons (See Figure 1, Element 2); at least one of the resource areas being a particular type of writable resource area to which resources can be written (See Figure 2, Element 3, the ISO1 is what is going to be recorder on a disk).

Nero does not teach a graphical user interface which in response to the user clicking on an icon, presents a menu where the user is able to select a staging area not currently visible to the user. Belfiore teaches, a graphical user interface which in response to the user clicking on an icon, presents a menu where the user is able to select a staging area not currently visible to the user (See Figure 2C, Element 220). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero with the teachings of Belfiore and include a menu which shows possible staging areas with the motivation to provide the user a simple and efficient method of sending data to the appropriate destinations.

In regards to claim 2, Nero teaches prior to interacting with the user, pre-allocating a contiguous portion of mass storage for future use when writing identified resources to the storage medium, wherein the pre-allocated portion is large enough to create a data image that is to be created on the storage medium (See Figure 4, Element 1, the user can create an image of the file set, also see Figure 6, there is a cache that is set by default); prior to writing the staged resources to the storage medium, creating a data image in the pre-allocated portion of mass storage (See Figure 4, Element 1); wherein writing the identified resources comprises writing the data image to the storage

medium (See Figure 5, Element 1, the user can record the image on the storage medium).

In regards to claim 3, Nero teaches that upon writing the identified resources, writing additional resources not specifically designated by the user for use in conjunction with the identified resources after they are written (Figure 7, Element 1, if the user chooses to make a bootable CD, Nero will automatically add the necessary files so that the PC can boot off the CD).

In regards to claim 4, Nero teaches that automatically identifying a viewer program that is compatible with one or more of the identified resources; writing the viewer program to the storage medium for use in conjunction with the identified resources after they are written (Figure 7, Element 1, Nero burns the appropriate software so the files can be loaded up and viewed through the command prompt).

In regards to claim 5, Nero teaches that the program further alters the icons in the staging area to indicate status of the staged resources. (See Figure 8, Element 1, the data that is going to be recorded is in capital letters)

In regards to claim 6, Nero teaches altering the icons in the staging area with status overlays to indicate status of the staged resources (See Figure 9, Element 1, the overlay tells the status on the writing process).

In regards to claim 7, Nero further teaches altering the icons in the staging area with status overlays to indicate status of the staged resources, the status overlays including a staged status overlay and an in-process status overlay (See Figure 9, Element 1, the overlay tells the status on the writing process).

In regards to claim 8, Nero further teaches defining a contextually sensitive command area and displaying a delete resource command option in the contextually sensitive command area if and only if the particular type of writable resource area is rewritable (See Figure 10, Element 1).

Claims 35, 36, 37, 38, 40, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software), in view of Kuroda et al. (US 5946277) further in view of Belfiore et al. (US 5886699).

In regards to claim 35, Nero teaches one or more computer readable media containing an operating system program, the operating system program comprising: accepting designations of different resources managed by the operating system by a user for staging prior to writing to a removable storage medium (See Figure 1, Element 3); graphically representing any resources that are already stored on the removable storage medium and any resources that are staged but not written to the removable storage medium (See Figure 11, “This window displays all information concerning the track you have selected. Depending on the refresh options selected in the multisession property sheet, you will see some folders and files shown in black or in grey. Folders and files shown in black designate that they have been changed or recorded on your hard disk since your last session. They will be recorded on your CD now. Folders and files shown in grey designate that they are already on your CD. They have been recorded during your last session and have not been changed. They are not going to be physically rewritten.”). Nero does not teach detecting a user attempt to remove the

removable storage media. Kuroda teaches, “when the ejection operation to eject the recording disk to the outside is performed (step s8), the file management data pieces recorded on the recording device are unified, then recorded on a predetermined area of the recording disk” (Column 9, Line 57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero with the teachings of Kuroda to include the ability to hold off on recording data until the eject button is pressed with the motivation to reduce the speed of the total recording time because the data would only be recorded once and not several times.

Nero and Kuroda do not teach a graphical user interface which in response to the user clicking on an icon, presents a menu where the user is able to select a staging area not currently visible to the user. Belfiore teaches, a graphical user interface which in response to the user clicking on an icon, presents a menu where the user is able to select a staging area not currently visible to the user (See Figure 2C, Element 220). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero and Kuroda with the teachings of Belfiore and include a menu which shows possible staging areas with the motivation to provide the user a simple and efficient method of sending data to the appropriate destinations.

In regards to claim 36, Nero teaches one or more computer readable media the program further comprising, upon writing the staged resources, writing additional resources not specifically designated by a user, for use in conjunction with the staged resources after they are written. (Figure 7, Element 1, if the user chooses to make a

bootable CD, Nero will automatically add the necessary files so that the PC can boot off the CD).

In regards to claim 37, Nero teaches one or more computer readable the program further comprising altering representations of the resources to indicate the status of the staged resources (See Figure 8, Element 1, the data that is going to be recorded is in capital letters).

In regards to claim 38, Nero teaches one or more computer readable media as recited in claim 35, the program further comprising displaying a delete resource command in a contextually sensitive command menu if and only if a particular type of writable resource area of the removable storage media is rewritable (See Figure 10, Element 1).

In regards to claim 40, Nero teaches one or more computer readable media further comprising: prior to accepting designations by users, pre-allocating a contiguous portion of mass storage for use when writing staged resources, wherein the pre-allocated portion is large enough to create an image of data to be written to the removable storage medium (See Figure 4, Element 1, the user can create an image of the file set, also see Figure 6, there is a cache that is set by default); prior to writing the staged resources to the removable storage media, creating a write image in the pre-allocated portion of mass storage (See Figure 4, Element 1); wherein writing the staged resources comprises writing the write image to the removable storage medium (See Figure 5, Element 1, the user can record the image on the storage medium).

In regards to claim 49, Nero- Kuroda-Belfiore teach one or more computer readable media as recited in claim 35, the program further comprising, in response to detecting the user attempt to remove the removable storage media, writing any staged resources to the removable storage media (“when the ejection operation to eject the recording disk to the outside is performed (step s8), the file management data pieces recorded on the recording device are unified, then recorded on a predetermined area of the recording disk” (Kuroda, Column 9, Line 57)).

Claims 28, 42, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) in view of Beard et al. (US 5113517) in view of Belfiore et al. (US 5886699) further view of Kuroda et al. (US 5946277).

In regards to claim 28, Nero-Beard-Belfiore teach all the limitations of claim 27. They do not teach a graphical user interface wherein the user action comprises attempting to remove a storage medium corresponding to the staged-write resource area. Kuroda teaches, “when the ejection operation to eject the recording disk to the outside is performed (step s8), the file management data pieces recorded on the recording device are unified, then recorded on a predetermined area of the recording disk” (Column 9, Line 57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero-Beard-Belfiore with the teachings of Kuroda to include the ability to hold off on recording data until the eject button is pressed with the motivation to

reduce the speed of the total recoding time because the data would only be recorded once and not several times.

In regards to claim 42, Nero-Beard-Belfiore teach all the limitations of claim 41. Nero does not teach the limitation of wherein the user initiation comprises attempting to remove the storage medium. Kuroda teaches, “when the ejection operation to eject the recording disk to the outside is performed (step s8), the file management data pieces recorded on the recording device are unified, then recorded on a predetermined area of the recording disk” (Column 9, Line 57).

In regards to claim 48, Nero-Beard-Belfiore-Kuroda teach one or more computer readable media as recited in claim 1, the programs further comprising, in response to detecting the user attempt to remove the storage medium, identifying resources represented by the icons in the staging area and writing such identified resources to the storage medium (“when the ejection operation to eject the recording disk to the outside is performed (step s8), the file management data pieces recorded on the recording device are unified, then recorded on a predetermined area of the recording disk” (Kuroda, Column 9, Line 57)).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) and Belfiore et al. (US 5886699) in view of Sexton et al. (US 6499095).

In regards to claim 9, Nero and Belfiore teach all the limitations of claim 1. They do not teach a one or more computer readable media wherein designating a resource

for representation in the graphical staging area creates a reference to said designated resource rather than a copy of said designated resource, the programs further comprising dereferencing said reference during writing to write a current version of the designated resource, including any changes to the designated resource subsequent to designating it and prior to writing it. Sexton teaches, “A numeric reference employs a machine-independent format for encoding references between objects that is suitable for both run-time use in virtual memory and storage use in secondary storage.”

(Column 7, Line 21). He further teaches that “For run-time usage, numeric references can be efficiently ‘dereferenced’” (Column 7, Line 31). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero and Belfiore with the teachings of Sexton to include a process of referencing and dereferencing data with the motivation to provide for efficient utilization of memory space.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) and Belfiore et al. (US 5886699).in view of Stewart (US 6640269).

In regards to claim 11, Nero and Belfiore teach all the limitations of claim 1. They do not teach one or more computer readable media programs further comprising: determining whether any changes are made to the identified resources prior to writing them; if a change is made to a particular identified resource prior to writing, creating an unchanged copy of the particular identified resource; writing the unchanged copy to the storage medium in place of the particular identified resource, wherein the unchanged copy does not include changes to the particular identified resource subsequent to

designating it and prior to writing it. Stewart teaches "To produce the shared file using some conventional operating systems, the writer sends an "open for write" command to the operating system, including a filename or other identifier with which to name the file. The operating system may create the file and open it. Additionally, the operating system may lock the file in response to such a command in order to prohibit use of the file by other processes while the file is being written. The writer may receive from some conventional operating systems a pointer or other identifier of the file in response to the open for write command." (Column 1, Line 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero and Belfiore with the teachings of Stewart and include a locking mechanism with the motivation to provide the user with the protection of writing over an undesired file.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) in view of Kuroda et al. (US 5946277) in view of Belfiore et al. (US 5886699) further in view of Stewart (US 6640269).

In regards to claim 39, Nero-Kuroda-Belfiore teaches all the limitations of claim 35. It does not teach one or more computer readable media, the program further comprising: for any staged resource that is changed prior to writing, creating an unchanged copy of the staged resource; writing the unchanged copy in place of the changed staged resource. Stewart teaches "To produce the shared file using some conventional operating systems, the writer sends an "open for write" command to the operating system, including a filename or other identifier with which to name the file.

The operating system may create the file and open it. Additionally, the operating system may lock the file in response to such a command in order to prohibit use of the file by other processes while the file is being written. The writer may receive from some conventional operating systems a pointer or other identifier of the file in response to the open for write command.” (Column 1, Line 21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero-Kuroda-Belfiore with the teachings of Stewart and include a locking mechanism with the motivation to provide the user with the protection of writing over an undesired file.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) in view of Beard et al. (US 5113517) in view of Belfiore et al. (US 5886699)in view of Paravulescu et al. (US 6678764).

In regards to claim 14, Nero, Beard, and Belfiore teach all the limitations of claim 12. They do not teach the method further comprising, in response to detecting a user attempt to remove the storage medium, automatically writing the designated resources to the storage medium. Paravulescu teaches a method wherein “If media is not present, a beep or other warning and prompt to the user to insert the media is issued” (Column 7, Line 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero, Beard and Belfiore with the teachings of

Paravulescu and include a prompt for the user to replace the storage medium prior to writing it with the motivation to enable the user to write on the storage medium.

Claims 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) in view of Beard et al. (US 5113517) in view of Belfiore et al. (US 5886699) in further view of Sexton et al. (US 6499095).

In regards to claim 24, Nero-Beard-Belfiore teach all the limitations of claim 17. They do not teach a graphical user interface wherein designating a resource for representation in the staged resource display area creates a reference to said designated resource rather than a copy of said designated resource, said reference being dereferenced during writing to write a current version of the designated resource, including any changes to the designated resource subsequent to designating it and prior to writing it. Sexton teaches, “A numeric reference employs a machine-independent format for encoding references between objects that is suitable for both run-time use in virtual memory and storage use in secondary storage.” (Column 7, Line 21). He further teaches that “For run-time usage, numeric references can be efficiently ‘dereferenced’” (Column 7, Line 31). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero-Beard-Belfiore with the teachings of Sexton to include a process of referencing and dereferencing data with the motivation to provide for efficient utilization of memory space.

In regards to claim 32, Nero-Beard-Belfiore teach all the limitations of claim 27. They do not teach a graphical user interface wherein designating a resource for staging

creates a reference to said designated resource rather than a copy of said designated resource, said reference being dereferenced during writing to write a current version of the designated resource, including any changes to the designated resource subsequent to designating it and prior to writing it. Sexton teaches, "A numeric reference employs a machine-independent format for encoding references between objects that is suitable for both run-time use in virtual memory and storage use in secondary storage."

(Column 7, Line 21). He further teaches that "For run-time usage, numeric references can be efficiently 'dereferenced'" (Column 7, Line 31).

Claims 26, 34, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) in view of in view of Beard et al. (US 5113517) in view of Belfiore et al. (US 5886699) in further view of Stewart (US 6640269).

In regards to claim 26, Nero-Beard-Belfiore teach all the limitations of claim 17. They do not teach a graphical user interface wherein the operating system monitors staged resources for changes and creates an unchanged copy of any changed staged resource for subsequent writing to the writable resource area in place of the changed staged resource. Stewart teaches "To produce the shared file using some conventional operating systems, the writer sends an "open for write" command to the operating system, including a filename or other identifier with which to name the file. The operating system may create the file and open it. Additionally, the operating system may lock the file in response to such a command in order to prohibit use of the file by

other processes while the file is being written. The writer may receive from some conventional operating systems a pointer or other identifier of the file in response to the open for write command." (Column 1, Line 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero-Beard-Belfiore with the teachings of Stewart and include a locking mechanism with the motivation to provide the user with the protection of writing over an undesired file.

In regards to claim 34, Nero-Beard-Belfiore teach all the limitations of claim 27. They do not teach a graphical user interface wherein: designating a resource for staging creates a reference to said designated resource rather than a copy of said designated resource; in response to any subsequent change to the designated resource the operating system creates an unchanged copy of the designated resource, said reference being changed to indicated the unchanged copy; said reference being dereferenced during writing to write the designated resource or its unchanged copy. Stewart teaches "To produce the shared file using some conventional operating systems, the writer sends an "open for write" command to the operating system, including a filename or other identifier with which to name the file. The operating system may create the file and open it. Additionally, the operating system may lock the file in response to such a command in order to prohibit use of the file by other processes while the file is being written. The writer may receive from some conventional operating systems a pointer or other identifier of the file in response to the open for write command." (Column 1, Line 21).

In regards to claim 44, Nero-Beard-Belfiore teach all the limitations of claim 41. They do not teach an operating system wherein the actions further comprise: for any staged resource that is changed prior to writing, creating an unchanged copy of the staged resource; writing the unchanged copy in place of the changed staged resource. Stewart teaches "To produce the shared file using some conventional operating systems, the writer sends an "open for write" command to the operating system, including a filename or other identifier with which to name the file. The operating system may create the file and open it. Additionally, the operating system may lock the file in response to such a command in order to prohibit use of the file by other processes while the file is being written. The writer may receive from some conventional operating systems a pointer or other identifier of the file in response to the open for write command." (Column 1, Line 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero and Beard with the teachings of Stewart and include a locking mechanism with the motivation to provide the user with the protection of writing over an undesired file.

Claims 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nero (Ahead Software) in view of Sexton et al. (US 6499095) and in further view of Stewart (US 6640269) in further view of Kuroda et al. (US 5946277) and further in view of Belfiore et al. (US 5886699).

In regards to claim 46, Nero teaches one or more computer readable media containing an operating system program, the operating system program comprising:

accepting designations of different resources managed by the operating system for staging prior to writing to a removable storage medium, See Figure 11, "This window displays all information concerning the track you have selected. Depending on the refresh options selected in the multisession property sheet, you will see some folders and files shown in black or in grey. Folders and files shown in black designate that they have been changed or recorded on your hard disk since your last session. They will be recorded on your CD now. Folders and files shown in grey designate that they are already on your CD. They have been recorded during your last session and have not been changed. They are not going to be physically rewritten.").

Sexton teaches storing corresponding references to the designated resources (as applied above). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero with the teachings of Sexton to include a process of storing corresponding references to the designated resources.

Stewart teaches for any designated resource that is changed prior to writing, creating an unchanged copy of the staged resource and changing the corresponding reference to indicate the unchanged copy (as applied above). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero-Sexton with the teachings of Stewart and include a method of creating an unchanged copy of the staged resource with the motivation to provide the user with the protection of writing over an undesired file.

Kuroda teaches that in response to an instruction to write to the removable storage medium, writing any designated resources and any unchanged copies indicated

by the stored references (as applied above). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Nero-Sexton-Stewart with the teachings of Kuroda to include a method which in response to an instruction to write to the removable storage medium, writes any designated resources and any unchanged copies indicated by the stored references with the motivation to enable the user an easy method of writing things to a selected media device.

Nero, Sexton, Stewart, and Kuroda do not teach a graphical user interface which in response to the user clicking on an icon, presents a menu where the user is able to select a staging area not currently visible to the user. Belfiore teaches, a graphical user interface which in response to the user clicking on an icon, presents a menu where the user is able to select a staging area not currently visible to the user (See Figure 2C, Element 220). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nero, Sexton, Stewart, and Kuroda with the teachings of Belfiore and include a menu which shows possible staging areas with the motivation to provide the user a simple and efficient method of sending data to the appropriate destinations.

In regards to claim 47, Nero further teaches an operating system, further comprising: prior to receiving requests from application programs, pre-allocating a contiguous portion of mass storage for use when writing staged resources to the storage media, wherein the pre-allocated portion is large enough to create an image of data to be written to the storage medium (See Figure 4, Element 1, the user can create an image of the file set, also see Figure 6, there is a cache that is set by default); prior

to writing the staged resources to the storage media, creating a write image in the pre-allocated portion of mass storage (See Figure 4, Element 1); wherein writing the staged resources comprises writing the write image to the storage medium (See Figure 5, Element 1, the user can record the image on the storage medium).

Response to Arguments

Applicant's arguments with respect to claims 1-9, 11-12, 14-17 and 19-50 have been considered but are moot in view of the 112 first paragraph rejection. The Examiner invites the Applicant to schedule a telephonic interview in order to discuss the claims and figure out an amendment to clarify the claim language.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BORIS PESIN whose telephone number is (571)272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571)272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Boris Pesin/
Primary Examiner, Art Unit 2174